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COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY
DISABLED (CPBSD)

Part XXI

Committee for Purchase From People Who Are Blind or Severely Disabled

Semiannual Regulatory Agenda

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COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

41 CFR Ch. 51

Semiannual Regulatory Agenda

AGENCY: Committee for Purchase From People Who Are Blind or Severely
Disabled.

ACTION: Semiannual regulatory agenda.

SUMMARY: This document sets forth the regulatory agenda of the
Committee for Purchase From People Who Are Blind or Severely Disabled
(the Committee). This agenda is issued in accordance with Executive
Order 12866 and the Regulatory Flexibility Act. The agenda lists
regulations that are currently under development or review or that the
Committee expects to have under development or review during the next
12 months. The purpose for publishing this agenda is to advise the
public of the Committee's current and future regulatory actions.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda
in general, contact G. John Heyer, General Counsel, Committee for
Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson
Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-
3259; (703) 603-2121. For information about a specific regulation
project listed on the agenda, contact the person designated in the
agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under Executive Order 12866 (58 FR 51735,
October 4, 1993), each agency is required to prepare an agenda of all
regulations under development or review. The Regulatory Flexibility Act
(5 U.S.C. 601 to 612) has a similar agenda requirement (5 U.S.C. 602).
Under the law, the agenda must list any regulation that is likely to
have a significant economic impact on a substantial number of small

entities.

The Office of Management and Budget has issued guidelines prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. All of the items on this agenda are current or projected rulemakings.

Dated: February 26, 2006.

Leon A. Wilson, Jr.,

Executive Director.

Committee for Purchase From People Who Are Blind or Severely Disabled--
Proposed Rule Stage

Regulation
Sequence
Identifier
Number
Number

Title

2872 Javits-Wagner-O'Day Program; Determining Whether
Commodities Are ``Essentially the 3037-AA01
Same''

.....
2873 Javits-Wagner-O'Day (JWOD) Program Ratio
Requirements..... 3037-AA02
2874 Javits-Wagner-O'Day Program; Initial Qualification
Criteria..... 3037-AA05

Committee for Purchase From People Who Are Blind or Severely Disabled--

Long-Term Actions

Regulation
Sequence
Identifier
Number
Number

Title

2875 Governance Standards for Central Nonprofit Agencies and
Nonprofit Agencies 3037-AA00
 Participating in the Javits-Wagner-O'Day
Program.....
2876 Javits-Wagner-O'Day (JWOD) Program; Suitability Criteria
and Determinations..... 3037-AA03
2877 Responsibilities of Central Nonprofit
Agencies..... 3037-AA04

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Committee for Purchase From People Who Are Blind or Severely
Disabled (CPBSD)

Proposed Rule Stage

2872. JAVITS-WAGNER-O'DAY PROGRAM; DETERMINING WHETHER COMMODITIES ARE
``ESSENTIALLY THE SAME''

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-5

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering the Javits-Wagner-O'Day (JWOD) Act, proposes to amend its regulations by adding guidelines for Federal agencies' use in determining whether commercial commodities are ``essentially the same'' as items on the Procurement List. The Procurement List is the official list of commodities and services that the Committee has determined to be suitable for provision to the Government by nonprofit agencies employing people who are blind or who have other severe disabilities and that, pursuant to the JWOD Act and the regulations, must be purchased from the source designated by the Committee. The guidelines for Federal agencies would clarify the meaning and applicability of the term ``essentially the same,'' which currently appears but

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is not defined in the Committee's regulations. As such, the guidelines would assist Federal employees who make purchasing decisions in complying with the JWOD Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/06	
NPRM Comment Period End	11/00/06	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Agency Contact: Kimberly Zeich, Director, JWOD Business Development,
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RIN: 3037-AA01

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Committee for Purchase From People Who Are Blind or Severely
Disabled (CPBSD)

Proposed Rule Stage

2873. JAVITS-WAGNER-O'DAY (JWOD) PROGRAM RATIO REQUIREMENTS

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: Not Yet Determined

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its regulations by adding a requirement that for total JWOD project work, the direct labor hours performed by people who are blind or severely disabled must be at least 75 percent, and for individual JWOD projects, the direct labor hours performed by people who are blind or severely disabled must be no lower than 60 percent. This proposed rule would also, among other things, provide a mechanism for the phase-in of projects that cannot initially meet the direct labor hour percentage requirements set forth in the proposal.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	01/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Louis Bartalot, Director, Program Analysis and Evaluation, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259
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RIN: 3037-AA02

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Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)

Proposed Rule Stage

2874. JAVITS-WAGNER-O'DAY PROGRAM; INITIAL QUALIFICATION CRITERIA

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-4

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its regulations by revising and clarifying the initial qualification criteria for nonprofit agencies that would like to participate in the JWOD Program. These criteria are set forth at 41 CFR 51-4.2 of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	11/00/06	
NPRM Comment Period End	01/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Agency Contact: Louis Bartalot, Director, Program Analysis and Evaluation, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259
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Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)

Long-Term Actions

2875. GOVERNANCE STANDARDS FOR CENTRAL NONPROFIT AGENCIES AND NONPROFIT AGENCIES PARTICIPATING IN THE JAVITS-WAGNER-O'DAY PROGRAM

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-2; 41 CFR 51-3; 41 CFR 51-4

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, proposes to amend its regulations by requiring nonprofit agencies awarded Government contracts under the authority of the JWOD Act, as well as central nonprofit agencies designated by the Committee, to comply with new governance standards. The proposed governance standards are primarily based on standards that are common practice in nonprofit and business communities. These new standards would include, among other things, standards concerning the practices of boards of directors and the reasonableness of executive and other employee compensation. Recent accounts alleging, and public concern regarding, isolated instances of excessive compensation packages for nonprofit agency executives; a perceived lack of full disclosure in the financial reporting of nonprofit

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agencies; and the absence of formal guidelines to establish independent boards of directors for JWOD-affiliated central nonprofit agencies and nonprofit agencies prompted this proposed change. If fully implemented, this change would help promote sound governance procedures for central

nonprofit agencies and nonprofit agencies participating in the JWOD-Program, help ensure the effective and transparent administration of Government contract funds, and continue to maintain a high level of public support for the JWOD Program's employment mission.

Timetable:

Action	Date	FR Cite
NPRM	11/12/04	69 FR 65395
NPRM Comment Period Extended	12/03/04	69 FR 70214
NPRM Comment Period End	02/10/05	

Next Action Undetermined

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)

Long-Term Actions

2876. JAVITS-WAGNER-O'DAY (JWOD) PROGRAM; SUITABILITY CRITERIA AND DETERMINATIONS

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-2

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or

Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its regulations by revising and clarifying the current suitability criteria in 41 CFR 51-2.4. These criteria are used by the Committee to make determinations regarding whether a commodity or service is suitable to be added to the Procurement List, which is the list of commodities and services that the Committee has determined are suitable to be furnished to the Government by nonprofit agencies employing people who are blind or who have other severe disabilities pursuant to the JWOD Act and the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	
NPRM Comment Period End	06/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local, State

Agency Contact: Louis Bartalot, Director, Program Analysis and Evaluation, Committee for Purchase From People Who Are Blind or Severely Disabled, 1421 Jefferson Davis Highway, Jefferson Plaza 2, Suite 10800, Arlington, VA 22202-3259
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Committee for Purchase From People Who Are Blind or Severely Disabled (CPBSD)

Long-Term Actions

2877. RESPONSIBILITIES OF CENTRAL NONPROFIT AGENCIES

Priority: Other Significant

Legal Authority: 41 USC 46 to 48c

CFR Citation: 41 CFR 51-3

Legal Deadline: None

Abstract: The Committee for Purchase From People Who Are Blind or Severely Disabled (the Committee), which is responsible for administering and overseeing the implementation of the Javits-Wagner-O'Day (JWOD) Act, is planning to propose to amend its regulations by revising and clarifying the current responsibilities under the JWOD Program of central nonprofit agencies designated by the Committee. These responsibilities are set forth at 41 CFR 51-3.2 of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/07	
NPRM Comment Period End	06/00/07	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

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